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ABSTRACT

The School Safety Committee is concerned with the obligations of schools to educate all children in an environment of moral responsibility and physical safety that will enable each child to realize the promise of America, that is, human rights, dignity, equality, and justice. The problem of school safety will be aggravated by the nation's economic crisis and accompanying increased unemployment. School personnel, community members, law enforcement agencies and the judiciary are in urgent need of strategies to prevent confrontations among themselves and to increase school safety. Suggestions, facts and legal decisions are presented, with the goal of preventing and controlling disruptive pupil behavior in schools. Topics addressed are: (1) building regulations; (2) dress; (3) flag amenities; (4) free press; (5) loco parentis; (6) parents and school safety; (7) police and the school; (8) the principal's role; (9) school regulations vs. juvenile court regulations; (10) search and seizure; (11) suspension; and (12) use of force. (MK)

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# SCHOOL SAFETY REPORT III
# A SOURCEBOOK FOR SELF-HELP

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## FOREWORD

None of us can fail to realize that our nation is beginning its third century; during the past months, we have all been caught up in the excitement of bicentennial celebrations and observances in schools, communities, churches - our entire government. And underlying our historical reminiscences is a deep emphasis on the American Dream: that people of all kinds can live together in peace and freedom, and with a respect for each other.

On the local level, the School Safety Committee of the National Conference of Christians and Jews, Queens Region, is completing its third year of concern with the problem that our schools (at least in New York City) fulfill their obligation of educating all children in an environment of moral responsibility and physical safety that will enable each child to realize the promise of America, i. e. human rights and dignity, equality and justice for all.

This Committee's Third Annual Report, "A Sourcebook for Self-Help Part II", which follows on succeeding pages, represents another year of study and work towards its goal of making schools safe. A few preliminary statements on "The NCCJ Thrust" are offered here in order to present the Report in a balanced perspective.

1) "Dialogue - towards action" is always our goal...our plea. We must continue to talk together (analyze, explore, evaluate) if we are to bring about a peaceful resolution of conflict and tensions. Our task is to find ways to effect change through peaceful (negotiation) methods.

2) Understanding all sides of a situation is our prerequisite to action. Unsafe schools are a reflection of an unsafe society. Therefore, it is necessary that we understand the basic causes of violence, unrest, crime - the phenomenon of our society and social systems. We must ask questions and seek answers to: "Why are there hostile and disruptive children in the schools?...How do we distinguish a juvenile child?...What reforms must be made and laws enacted in order to insure justice through our judicial system?...What alternatives in educational facilities, guidance and supportive services should we provide so that the rights of all children are protected?...What aids and options are necessary to help administrators bridge the gap created by cutbacks in personnel and school services?...How do we reconcile rights and responsibilities for students, administrators, teachers and parents?..."

3) In NCCJ, we believe that the resolution of any problem necessitates the involvement of all concerned in the problem.

A human relations insight is that "No one solves problems for people; problems must be solved by or with the people concerned." Thus, parents and students, as well as school persons, must be involved in problems of school safety. This implies not only enforcing existing laws, but also making rules for disciplining and maintaining safe schools. In light of the present budget crisis which has resulted in a lack of teaching and security personnel, it is more necessary now than ever before to enlist democratic participation of parents and students in various capacities in schools.

4) Underlying our deep concern and conviction that disciplinary measures must be taken in order to have a climate for learning in schools, the NCCJ focus has always been, and continues to be, that discipline and human rights (freedom) must reinforce each other. We are in sympathy with the Supreme Court Decision (W. Va. State Board of Education v. Barnette - 1943): "That the schools are educating the young for citizenship is reason for scrupulous protection of the Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes."

Problems of safety in schools and communities continue to plague us - and will be aggravated by the frustrations and insecure feelings brought on by the economy crisis with its accompanying increasing rate of unemployment; classes will be larger, teachers will be fewer and the school day shorter; more people, adults and youth, will be idle and free to loiter and roam the streets and public buildings - including schools - and, eventually, give vent to their frustrations through unacceptable social behavior. The inability to solve problems in times such as these is a reality that practitioners in human relations must face - a frustration with which we must live and cope. We have continually to review (and evaluate) action and retrace steps. New problems arise which must be redefined, studied and tested, in light of current situations. The process resembles a spiral, repeating the cycle over and over again, but always on a higher level.

This then has been the experience of the School Safety Committee, a group of professional volunteers, during its three years of wrestling. NCCJ commends it for its unceasing efforts, meeting as a whole every month, and insmall committees several times monthly. We are grateful to Lorraine Addelston for her dynamic leadership and determination to work and see the problem through.

Mary L. Chrichlow
L. I. Area Director
NCCJ

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# INTRODUCTION

By

Lorraine W. Addelston

Chairman

The School Safety Committee of the National Conference of Christians and Jews presents its third report, Part II of its second report dated June 1975, intended to assist school related people, both professional and lay, in the maintenance of safer schools. The need is more urgent than ever now in the face of budgetary cuts which have all but eradicated the auxiliary staff members whose only assignment was security per se. With fewer teachers and administrators in each school building, with almost no school aides or security guards employed and with the huge cuts sustained by the Police Department itself, advice and assistance concerning safety are matters of urgency.

We are aware that ways must be sought to ameliorate the ever increasing intensification of urban blight in the microcosm of the New York City schools. We know full well that each incident of assault or vandalism, each example of judicial failure to take effective action, each epithet emerging from the cinders of the burning situations in our communities and their schools fans the flames of racial and religious prejudice. NCCJ, through its School Safety Committee, therefore, feels an obligation to support those campaigns and efforts which reduce intergroup tensions and which are planned to facilitate the growth of an improved climate for learning.

The need to prevent and control disruptive pupil behavior is self evident. The Senate Report of the Subcommittee to investigate Juvenile Delinquency last year gave our youth an "A" in School Violence and Vandalism, a doubtful cum laude. The cost of education plus vandalism is staggering, and the education budget is diminishing. The reputations of schools, school systems, educators and youth are sliding downhill at a remarkable rate. At the same time the law enforcement agencies find themselves equally incompetent to handle the swelling rolls of persons reported to them. Judges blame the budget for lack of facilities and the laws for lack of teeth. The public blames the judges for lack of firmness and calls them "too liberal." Our society begins to throw epithets, one group at another, and the seeds of prejudice are once again sown in the cities.

It is the purpose of the NCCJ to prevent this confrontation. To this end we now present some thoughts, some facts and some legal decisions.

I. "Profile of Typical Deliquent Youth" THE PRACTITIONER*
April 1976

| | | |
|---|---|---|
| I. | Sex | Male |
| II. | Age | 12-17 |
| III. | Family | Single parent home; usually lives with working mother; several children in family. |
| IV. | Socioeconomic | Parents born in the city; grandparents migrated from rural area. Family income at poverty level, often on welfare. |
| V. | Environment | Family does not own home; rather lives in apartment or public housing; marginal living conditions; few comforts. |
| VI. | Education | One or two years behind class; difficulty with reading, frequently absent; often tardy; nonparticipant in school activities; admires sports, but generally does not participate; concerned with lack of autonomy allowed in school. |
| VII. | Work | Works part time or on pickup jobs; often does not stay long in the same job. |
| VIII. | Social Habits | Advanced socially; sexually mature; sets own hours, drinks moderately, smokes cigarettes, uses drugs periodically; generally does not own a car. |
| IX. | Attitude | Surly; antagonistic, vacillates with periods of reclusiveness. |
| X. | Future | No long-range goals; no plans for postsecondary education; job oriented; some interest in vocational-technical education. |

II. <u>Some Pertinent Quotes</u> from THE PRACTITIONER*

"Alienation from society often starts with economic difficulties. Poor people may develop a sense of personal worthlessness and become alienated from society. This is expressed especially by youth as antisocial behavior."

"Because young persons have little chance to assume serious responsibilities, their need for independence is fulfilled by confrontation with adults and authority symbols."

"A positive answer for disruptive youth is to provide alternative educational settings."

*Pub. by The National Association of Secondary School Principals

III. Some Pertinent Facts from Teachers' Records

[The following items are selected from the official annual report to Albert Shanker, President of the United Federation of Teachers, from Ed Muir, UFT Director of School Safety and a member of the NCCJ School Safety Committee.]

A. Some Incidents selected from reports to UFT 1975-76-in brief

Sept. 19, 1975 Ms. L. R. fled in panic down the hall of her Brooklyn elementary school. She was pursued by an armed intruder who caught her, struck her on the head and took her money.

Sept. 22 Mr. J. S., a Queens High School teacher was struck over the head several times by an intruder using a cut down pool cue.

Sept. 23 Mr. J. B., a Brooklyn Junior High School teacher, was slashed on the arm while he tried to disarm a teenager with a knife.

Sept. 25 Mr. J. K., a Brooklyn High School teacher, was severly injured when a 300 pound book-case was pushed over on him by persons unknown.

Oct. 8 Ms. M. M., a Queens Junior High School teacher, was punched in the chest and kicked in the pubic area by an intruder armed with a knife.

Oct. 27 Ms. D. W., a Staten Island High School teacher, was knocked to the ground by several students in the cafeteria. She suffered extensive nerve injury.

Nov. 3 Ms. B. M., a Brooklyn High School teacher, was knocked to the ground and trampled by 40 students in the cafeteria.

Nov. 6 Ms. B. D., a Queens Junior High School teacher, was escorting a pupil to the dean's office when he turned and punched her in the face knocking out a tooth.

Nov. 11 Mr. M. G. was held up by an intruder in his classroom. A handgun was held to his neck. The armed robber took identification and threatened the teacher with "If I get busted, I'll be back to get you!."

Nov. 24 Ms. A. R., a Bronx Junior High School teacher, was attacked by a parent in the principal's office. She was knocked over the desk. Her clothing was torn. She suffered multiple bruises.

Dec. 8 Ms. M. S., a paraprofessional in a Brooklyn Elementary School, was stabbed in both arms.

Dec. 17 Ms. S. P., a dean in a Bronx High School, was menaced and threatened by an intruder who put a knife to her throat.

Jan. 13 Ms. L. S., a Bronx High School teacher, was felled by a karate chop to the back of the neck. Extensive injuries have required long hospitalization and she may never work again.

Jan. 16 Ms. Y. N., a teacher in a Manhattan Elementary School, was attacked by a parent during a conference in the principal's office. She was thrown to the floor and strangled.

Mar. 4 Ms. A. R. was stopped by a stranger on the steps of her Queens High School. He put a handgun to her head and said, "I'll blow your f--king head off."

Etc. Etc. Etc.

B. The Safety Story of One High School

A profile of one high school (not the one with the most incidents) might shed some light on why there was such an increase in staff assaults.

When this school ended its 1974-75 school year it had the following staff:

*Teachers..... 215
*School Safety Officer.... 15
*School aide hours.....8,100

When it reopened in September of 1975, the school had an increased student enrollment and

*Teachers..... 184
*School Safety Officers.... 5
*School Aide hours..... 5,035

The school services 4,000 youngsters in three facilities. The exit doors are in poor repair and are broken faster than central shops can fix them. The police report an increase in crime reports in the following categories: assault, harassment, robbery.

Extra and co-curricular offerings have all but been eliminated. Special electives and remedial courses have been sharply curtailed. Teachers have been on emergency patrols from December through June. Staff morale is poor. Several younger teachers are planning to leave the profession. There were 6 reported incidents of staff assaults last year while 32 were reported for the 1975-76 school year.

The span of control was stretched beyond the peril point in this school, by which we mean that there were simply too few adults to provide all of the services required by the number of people enrolled. Lack of services and lack of individual attention generated alienation and hostility which produced disorder. Simply stated, cuts in staff contributed to rising disorder on two counts. First, real needs of students could not be met. Second, staff could not cope with resultant disorders.

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Items A and B which precede and the tables which follow are direct quotations selected from Mr. Muir's report to Mr. Shanker dated June 1976.

C. Tables of Statistics

Table IV
"Summary of Reported Assaults on Staff

| | Reported to Board | Reported Solely to UFT | Total |
|---|---|---|---|
| District Schools | 769 | 144 | 913 |
| High Schools | 327 | 113 | 440 |
| District #75 | 27 | 6 | 33 |
| Total | 1,123 | 263 | 1,386 |

Table V
Comparison of Reported Staff Assaults
with Last Year's Totals

| | 1974-75 School Year | 1975-76 School Year | #Change |
|---|---|---|---|
| District Schools | 950 | 913 | - 37 |
| High Schools | 205 | 440 | +235 |
| District #75 | 46 | 33 | - 13 |
| Total | 1,201 | 1,386 | +185 |

Table VI
Comparison of Reported Staff Assaults
by Division with Last Year's Totals
(District #75 not included)

| | 1974-75 | 1975-76 | #Change |
|---|---|---|---|
| Elementary Schools | 507 | 388 | -119 |
| Middle Schools | 443 | 525 | + 82 |
| High Schools | 205 | 440 | +235 |
| Total | 1,155 | 1,353 | +198" |

IV. Review of Previous Publications by the Committee

June 1974 "Findings and Recommendations on Safety in our Schools" submitted by The National Conference of Christians and Jews (Queens Region) in cooperation with The Office of School Security (Board of Education) and The Committee on School Safety.

This report was rooted in the thirteenth annual Institute on Rearing Children of Good Will whose theme was CRIME AND VIOLENCE IN OUR SCHOOLS.

Spring 1975 "School Safety - A Sourcebook for Self-Help"
From school related people: Parents, Teachers, Administrators and Police
To Themselves and Others: Parents, Teachers, Administrators, Police and Courts
So that Assault, Theft, Vandalism and Wanton Waste may be reduced in our schools.

This report was the result of an extensive survey. The answers provided to the questionnaire were collated and published for ready reference to help school people prevent loss by careful planning.

Activities of The School Safety Committee 1975-76

The School Safety Committee has been meeting regularly with the following purposes and agenda items:

1. To learn what the present needs of the schools are and to make possible the effective role for education of pupils by the principal and the staff and to support efforts to meet those needs through regular government funds and other sources; (e. g. behavior modification, counseling groups, peer counseling, police liaison and other guidance services must be provided by our society for our youth. To this end NCCJ is supporting the efforts of the Bureau of Child Guidance of the New York City Board of Education not to be phased out of existence as a money-saving measure. The number of available jobs for youth and the number of trained youths must be increased. To this end the NCCJ has written 5 proposals and is seeking separate funding therefore.)

2. To meet with legislators in order to influence their votes, not only on budgetary resolutions, but also on education law and on penal law, so as to make possible the improved discipline of our schools;

3. To meet with Family Court justices for the purpose of learning their problems and of revealing to them their

responsibilities for the maintenance of school safety;

4. To submit proposals for funding of alternate educational programs so that school officials and magistrates may have available alternate options for the removal of disruptive children from the mainstream of the educational system - thus not depriving the malefactors of their constitutional right to an education while at the same time protecting the educational rights of the majority of the students.

Inasmuch as the School Safety Committee has not been conspicuously successful in its alternate options endeavors, the committee has deemed it advisable at this time to review the current situation in reality and to provide advice for school related people concerning their effective functioning in this city. What would the laws provide? What is the court likely to do? What are the rights of the offender? of the other students?

This is, then, another Sourcebook for self-help, a sourcebook of a different kind. It is organized for ready reference by the teachers, administrators or school board persons. The headings are presented in alphabetical order from Building Regulations to Use of Force. These are the present realities. We must live with them effectively while we work for change.

* * * * * * * * * * *

BUILDING REGULATIONS

1. All visitors must be screened and recorded. Only one entrance should be open and usable and then only if there is a manned sign-in desk at that door. Visitors should be required to identify themselves, sign in and record arrival time and specify destination. They should not be permitted above the ground floor unless there is a verified appointment and unless they are escorted to their specific destinations. They should be required to turn in their passes upon departing and departure time should be recorded.

2. Unmanned exits should be securely locked from the outside and equipped with bells for use to secure admission.

3. All exits should be actively supervised. The arrival and departure of pupils and adults should be carefully screened. Locks should be inspected several times daily lest they be rendered insecure and available to intruders.

4. Loiterers in halls, doorways and around entrances should be actively discouraged and dispersed.

5. Intruders should be apprehended and arrested.

6. Intruder drills should be designed and practised as are fire drills et al. cf#5

7. Hall sweeps should be set up and practised. Cutters should be apprehended and identified for appropriate action. Intruders should be apprehended as per #5 above.

8. Parents must be educated as to the facts and the necessity of building security. Parents must know the regulations, abide by the regulations and assist in their implementation. Staff should be discouraged from granting exceptions.

9. Each school is required to have a Safety Plan on file with the district and central headquarters. This plan should have been developed with the input of staff, custodian and parents. It should be revised by them periodically and brought up to date to meet new needs resulting from changes in school register, class organization, staff, community relations and even building conditions.

10. Each school should develop with staff, parents and custodian an emergency signal and plan so that a simple coded signal may result in immediate action to protect people and property; e. g., a code word meaning "intruder on third floor" should result in every third floor teacher's immediate stepping into the corridor so that the intruder may be speedily apprehended and detained until the arrival of an administrator or other official.

11. A similiar simple method of verifying and squelching unfounded rumors by coded message should be developed with staff and parents and used simply and effectively.

12. The dilemma of increased staff needs for safety services at a time of budgetary crunch has to be faced openly. The wisdom of increasing the number of non-payroll volunteers merits intensive investigation. It is virtually impossible to adhere to a tight and responsible schedule with volunteers; under such conditions how safe can the school be? Even if a community were to be blessed with a large number of reliable volunteers for school service, its budgetary records would be unrealistic. The best recommendation that can be made at this time is that volunteers must be sought with the understanding that they will help on temporary basis and will work with the schools in seeking appropriate funding.

DRESS

1. The principal may exercise a modicum of control over pupil dress if he is careful how he words his criticism. Stress safety to wearer, protection of school property, safety for classmates, indecent exposure, distraction from teaching and learning processes rather than taste or personal standards. Principal may, if he feels that it will not be counterproductive criticize fashions tactfully. The New York State Commissioner of Education need not be expected to enforce regulations in a school dress code, however, even if it has been adopted by the student body. In this case the principal may rule in view of distraction from learning.

2. Nassau County Court Decision: - "No student may wear skin-tight clothing which is revealing and thus may provoke or distract the opposite sex."

3. The New York State Commissioner of Education ruled: - "Board of Education has the power to prohibit wearing of such items as metal cleats on the shoes which might damage the floors, a type of clothing in physical education classes which unduly restricts the students from participation therein, long-haired angora sweaters in cooking classes where open flame gas ranges were used, any kind of apparel which indecently exposes the person, or, in sum, to prohibit the wearing of any kind of clothing which causes a disturbance in the classroom, endangers the student wearing

the same or other students, or is so distractive as to interfere with the learning or teaching process."

4. The New York State Commissioner of Education ruled that a boy must remove his hat in class except for headdress worn for religious reasons.

DUE PROCESS

1. Aim: To provide due process to accused and to the law abiding at one time. It is the purpose of the courts to protect due process (which we wish to protect for ourselves as well). The school is required to provide for the child being disciplined:

   1. notice of both the general nature of the offense and the specifics of the violation

   2. opportunity for a hearing prior to punishment

   3. some appeal from the decisions and the punishment

2. Challenge of disciplinary procedures as they have developed in recent years is that they assume that the principal would deprive the pupil of due process. Lawyers and lay advocates, defending the pupil being disciplined, often create a hostile atmosphere in which the principal becomes the adversary and the miscreant is saved from care even if his need for psychiatric service verges on the critical.

3. The Supreme Court's rulings re youths' rights for the protection of due process seem confusing. They can be summarized as follows: A school is not a court and the courts should not interfere when fairness is evident, but courts should be involved when there is evidence of constitutional infringement. There is no general ruling requiring legal counsel for the pupil unless such is necessary to guarantee fair play. There has been an inclination for judges to withdraw from running the schools. Schools should have leeway in the establishment and maintenance of discipline on a rational bisis.

4. At suspense hearings at the superintendent's level in NYC the principal must be accompanied by persons with first hand knowledge of the infraction.
The accused has the right of appeal but not the accuser.
Suspense action is the responsibility of the principal and

superintendent, and procedural forms must be followed to the letter.

5. It is rooted in the 5th and 14th amendments to the constitution which provide that neither the United States nor any state or local government may deprive a person of "life, liberty or property without due process of law".

6. U. S. Supreme Court has ruled: - "Due process" is an almost elusive concept...embodies the differing rules of fair play, which through the years have become associated with the differing types of proceedings."

7. U. S. Supreme Court has held that students suspended from 5-10 days are entitled to due process; i. e., notice of charges and, if he denies them, an explanation of the evidence and an opportunity to present his side of the story. A formal hearing with right to counsel are not required.

8. The gist of the recent Supreme Court decision is that the child has all the constitutional rights of the adult. The Court put it succinctly and colorfully by remarking that the child does not leave his constitutional rights, as he would a puppy dog, at the schoolhouse door. In 1967 the Supreme Court declared in the Re Gault case that "neither the Fourteenth Amendment, nor the Bill of Rights is for adults alone." In the 1969 case "Tinker v Des Moines Community School District the Supreme Court affirmed that "in our system state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in or out of school as persons under our Constitution, they are possessed of fundamental rights which the State must respect just as they themselves must respect their obligations to the State."

   This means in practice that the public schools may not deprive their students in the words of the Fourteenth Amendment of"life, liberty or property without due process of Law."

9. The Supreme Court too has held in the 1958 Cooper v Aaron that action by a school district is state action and therefore subject to constitutional restrictions and therefore like other state agencies they are forbidden under the Fourteenth Amendment from infringing upon the constitutional rights of those under their direction.

   In essence, the implication of these decisions is that if the schools are to teach the democratic process they must also practice it by observing the constitutional rights of students.

10. In the case of dress and grooming, the courts have held in Breen v Kahl that a school grooming rule could not be enforced against students because a similar rule could not be enforced against adults.

11. In the Tinker Case, the Court held that "undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression...in the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views."

12. Courts for example have affirmed that students may distribute controversial literature within the school and publish newspapers, official or otherwise, containing articles critical of school administrators. School officials may, at the same time, determine the times and places where such literature may be distributed.

13. One very important aspect of this situation is the new Federal law which gives parents and students the right of access to their file including confidential files which may contain unfounded allegations and conclusions based on "soft evidence." The parents and students may thus challenge "recommendations" based on such files.

14. Summing up, the Courts have continually reaffirmed the right---even the duty---of school officials to make and enforce reasonable and justified rules. In Burnside v Byers the Courts have denied the right of students to "materially and substantially interfere with the requirements of appropriate discipline in the schools".

15. This approach was taken by the Supreme Court in a 1975 decision upholding the right of public school teachers to spank students, providing that other means of control have been tried first and the students were given prior warnings. The Court held that while parents right to control the means of disciplining their children was protected by the Constitution, the "state has a countervailing interest in the maintenance of order in the schools."

FLAG AMENITIES

1. The courts have held that pupils cannot be forced to participate in the salute to the flag. If therefore follows that non-participation cannot be punished.

The original decision was rooted in the protection of the religious rights of Jehovah's Witnesses, but it was expanded by the Court of Appeals.

2. Efforts to use the salute for improvement of school tone must be handled with care.

FREE PRESS

1. The obligation of the principal to anticipate disruption as a result of permissiveness and to prevent it conflicts with judicial decisions concerning pupils' rights to express themselves. The rights of the individual pupils must be balanced with the rights and responsibilities of the school in totality.
The general position of the courts now is that if disruption of the pupils' right to education and the teachers' right to teach can be reasonably anticipated, then the freedom for such disruptive action may be denied to the "active" students.

2. The ages of students may alter decisions concerning freedom of speech, more being granted to college students than to secondary school students.
First amendment rights for the majority of students must be balanced against the rights of the few. The first amendment cannot be used to protect use of sewer language in the school. The principal's role as teacher in the matter of school press must not be set aside.

3. New York State Commissioner of Education: - "Guarantee of freedom of speech and expression does not constitute a license for use of obscenities in school".

4. New York State Commissioner of Education: - Censorship of expression is permissible only to prevent substantial disruption.

5. Courts have held that prior restraint may be provided by a clearly worded and published statement of policy including conditions of censorship.

LOCO PARENTIS

1. Historically teachers and principals have believed themselves to be acting in loco parentis when asserting authority to secure discipline. American jurisprudence until recently has upheld that view. More recently however the courts have ruled against the school in this position and have acted to protect the pupil from such parental authority.

2. U. S. Supreme Court has ruled that a correctional institution need not be considered in this relationship to one of its pupils and that said pupil is entitled to legal protection against this adversary. U. S. Supreme Court, however, has ruled that schools are not in the same relationship to pupils as are institutions involved in criminal procedures and that the courts are to involve themselves only when the case for consititutional infringement is clear.

3. N. Y. Court of Appeals has stressed the loco parentis relationship in matters of search and seizure when school lockers have been thought to be used for storing and hiding drugs.
New York State Courts have also held that the 4th Amendment does not forbid all searches and seizures but only unreasonable ones. Each search must be evaluated in its own setting.

4. The Supreme Court has held that the school stands in loco parentis with respect to the law abiding pupil and is obliged to protect him from harmful influences.
Loco parentis gives the principal and the dean authority to pursue and search outside the school door where the suspected pupil has illegally departed from the school building when search was anticipated. Courts have held furthermore that the 4th Amendment protects privacy after taking into account the interest of the larger group.

5. Courts have held that the principal stands in loco parentis to pupils under his charge in order to maintain an effective educational atmosphere.
Courts have held that the search undertaken with reasonable suspicion should be accepted as necessary. This should protect pupils from arbitary searches and should give principals enough leeway to fulfill their responsibilities.

6. Principals are cautioned to proceed with utmost caution when deciding to search pupils and are urged to have parents as witnesses whenever possible. Like police activity, this is a very delicate matter requiring calm and tact.

PARENTS AND SCHOOL SAFETY

1. Parents have an obligation for full participation in the

school safety program and for implementation of building regulations. They must attend Parents Association meetings and participate in programs on the subject. They must know the plan and its regulations and must disseminate the rules and reasons throughout the community. They must help the school staff implement that program.

2. If necessary, the Parents Association must provide for manning of the entrance hall desk and stairwells. In any case, all parents, even prominent members of the community, must obey the regulations; e. g., sign in and out; confer on the main floor; refrain from interrupting classes, etc.

3. Parents must recognize that the teacher's first duty is to teach the class in front of him. He must not distract the teacher by visiting the classroom. Appointments should be made in advance with teachers during their unassigned and/or administrative time. Teachers should be met in an office on the main floor.

4. Teachers, for their own safety and that of the pupils must enforce the above rigorously. Visitors should not be given passes to go to upper floors without escort. Unassigned teachers, administrators and aides should consider it part of their own responsibility to detain visitors and to return them to the main floor.

5. Staff members should realize that merely sending the person on his way is unsafe.

POLICE AND THE SCHOOL

1. The role of the police re the school has been changing very rapidly in the last ten years. Here too the rule of reason must prevail.

2. If an officer is assigned as the liaison officer to the school for education and guidance purposes, his punitive action must be limited to emergency situations. This must be clearly understood by staff.

3. If laws are broken police action should be sought. In this situation it must be clearly understood that the police officer who has solved the "mystery", apprehended the perpetrator and restored sanity to the school should be permitted to make an arrest. The police officer should not be used as a boogeyman.

4. School staffs wishing cooperation from the police must

give cooperation to the police. They must provide information, parent contact, space for conferences, and testimony in court.

5. When the court action sought involves infractions not on school property, the parents would be encouraged to cooperate with the police by pressing charges. When the school can it should press charges.

6. School staffs must discriminate among those infractions which require school punishments, which require police and court action and those which require both.

7. Staffs must be trained to evaluate relative significance of infractions and to make "the punishment fit the crime."

8. Your attention is called to THE POLICE AND THEIR MANY PUBLICS by Donald W. McEvoy, an NCCJ sponsored publication; Scarecrow Press, Metuchen, N. J., 1976. Chapter 10 is "The Police and the Schools."

9. Police activity on school property is a very sensitive matter and should be carefully controlled by the principal. Children should not be interviewed by the police unless the principal or his designated representative is present and unless an arrest is likely. Parents should be notified and given the opportunity of presence at the time of the interview. The reputation of the individuals and of the school should be uppermost in the minds of the school staff. At the same time the school and the police must work hand in hand for the safety of persons and property. This is a very delicate area requiring the utmost tact and attention.

PRINCIPAL'S ROLE

1. Principals must not become so discouraged with procedural and threatening aspects of disciplinary situations that they refrain from pursuing their responsibilities to maintain a proper school atmosphere. Furthermore principals must set up routines for obeying system regulations re suspenses so that the burdens do not cause them to overlook infractions.

2. Principals, superintendents and lay persons involved in the pursuit of a proper educational atmosphere must sit down together and develop guidelines for the constructive

participation of all participants in guidance and suspense conference, these guidelines to include same for lay advocates and legal counsel.

3. The failure of the Family Court to keep up with and to take effective action concerning youthful offenses has made it even more necessary for the principal's disciplinary powers to be restored.

4. The courts are now disposed to support the principal who opposes the use of the 1st Amendment to prevent the establishment of the good order in school which is necessary for the learning atmosphere desired by the majority.

5. The courts have supported reasonable and fair regulations by a school board determined to restrain students from abuse of 1st Amendment rights.

6. The principal as a teacher has an obligation to prevent the violation of the borders of decency and the disruption of the order in the school.

7. The principal's role as the responsible educational leader in the school must be reinforced so that the intensification of urban blight may be stemmed. If opportunities for confrontation are not diminished, prejudice will be fed and intergroup tensions will be increased in number and intensity.

8. Principals have an obligation to abide by the details of established procedures so that procedural errors should not overweigh substantive matters.

9. Errors which have caused cases to be lost include
   a. charges which lack specificity
   b. failure to notify parents by certified mail [It is recommended that notices of suspense hearings be sent to parents simultaneously by first class and by certified mail.]
   c. failure to limit the time of the principal's suspense to the maximum set by regulation at the time
   d. failure to keep a verbatim transcript
   e. failure to provide time for the accused to question the teacher pressing charges
   f. failure to notify the accused and parent that the entire school record would be reviewed at the hearing.

10. The principal may not delegate to an assistant his responsibility for discipline and punishment. An assistant principal does not have the power to suspend, for example.

11. When the type of infraction warrants it, the principal may press charges against the pupil, have him arrested and suspend him from school pending court action. In this instance there must be careful control of the time which may exceed the limits for suspense while trial is awaited.

12. U. S. Court of Appeals has held with the principal who warned pupils of the consequences of threatened action and who kept to that punishment - "pupils must take the consequences of their action."

SCHOOL REGULATIONS VS JUVENILE COURT REGULATIONS

1. U. S. courts have held that there is no general requirement at school conferences for legal representation, a public hearing, confrontation and cross examination of witnesses, warnings about privileges, double jeopardy, or other features of federal criminal jurisprudence. Fair play must, however, be guaranteed and this may require such strictures.

2. The New York Commissioner of Education has held that a board of education is not obliged to provide education for suspended students over the complusory attendance age (16).

3. It is clearly necessary that state laws and school system regulations be changed to eliminate the adversary aspects of the school conference proceedings and to return to the principal reasonable power to administer his school with disciplinary controls. The law must provide safeguards for the victims instead of the delinquents.

4. U. S. District Court has held that 1st Amendment rights must be balanced against the duty and obligation of the state to educate students in an orderly and decent manner to protect the rights of all the children in the school system.

SEARCH AND SEIZURE

1. The 4th Amendment prohibits unreasonable searches and seizures, but the stress must be on the adjective.

2. N. Y. Court of Appeals has upheld the right of the principal to search a school locker. There is no need of a search warrant. When there is suspicion that something illegal may be secreted in a school locker it may be considered the duty of the principal to cause the locker to be searched.

3. It has been held that students may be searched if there is reasonable suspicion that the student is in possession of drugs.
The Criminal Court in New York City has held that, when there is reasonable suspicion of possession of drugs, the school official may follow the student off the school premises and cause him to be searched.

4. It is celarly desirable to seek the extension of reasonable grounds for suspicion from drugs per se to other unlawful acts and possessions. Other rampant crimes threaten the law abiding student as much as drug abuse and possession.

SUSPENSION

1. Principals have become reluctant to suspend pupils, no matter how necessary, because of the time consumed and the red tape involved. Under N. Y. State Education Law the accused has the right of appeal after suspension but not the principal. Appeals have been won purely on precedural grounds seeming to indicate that the Commissioner has not kept up with the newer interpretation of the courts in support of the rights of the law abiding student.

2. Suspension and expulsion are related in the minds of parents. Indeed suspension is looked upon as partial expulsion. In turn, expulsion is denial of the right to education, and the courts have held that it is unreasonable to assume that a child denied of the opportunity to education can expect to succeed in life. The Fourteenth Amendment which protects the citizen from the State itself also protects the citizen from creatures of the State; "creatures" includes boards of education and their representatives. Education for citizenship must include education for the protection of the rights of the individual. These rights include the opportunity for education on equal terms.
It follows that if a school board member or his representative takes an action which denies a pupil of his constitutional right that member or representative may become personally

liable despite the fact that the action may have been taken as part of official responsibility.
The applicability of a "save harmless law" appears to depend upon the whims of the local board having jurisdiction. Usually this requires clear evidence that the school's action was rooted in superiors' advice and regulations.
The important thing is that, inherent in cases where pupils are denied educational opportunities in whole or in part, the pupil, good school citizen or poor, has constitutional rights which must not be denied as punishment for anti-social actions. Guilt or innocence is not relevant. Rights must be considered for all involved. The standards of behavior in the school or school system must have been set up in advance with sufficient publication to make it clear that there was prior knowledge of the consequences before the act was committed. In addition, the provision of alternate educational opportunities eradicates the charge of denial of civil rights to an education.

3. All school related persons should be familiar with the details of Special Circular 103 1969-70 dated June 24, 1970 from the office of the Superintendent of Schools of New York City.
The stress must be on supportive steps to meet the needs of the disruptive pupil. Identification and referral of pupils in need of help before their anti-social behavior becomes extensive and demands punitive measures is stressed. Presuspension conferences are highly recommended. Records of all such measures must be maintained in full. Form letters are presented in this circular and are recommended as ways to prevent misunderstanding.
The directions concerning the number of days of suspension per pupil must be complied with. Suspended pupils may not merely be thrust into the street unescorted.
Each person in a legal relationship to schools and pupils must know the details of this circular, the directions to principals and the purposes of those directions.

4. "A suspension is mandated exclusion from school attendance without the consent of a parent or guardian" no matter what terminology is used. If, however, the parent can be convinced to cooperate and remove the child from school for a limited time, both parent and principal may consider the misbehavior as symptomatic of illness, and the suspense may be prevented.

5. Only the principal has the power to suspend. Others, no matter what rank, may not tell students they are suspended.

6. Suspended pupils may not be sent out of the school building unescorted before the end of the regular school day.

7. Students should be returned to class immediately after the guidance conference no matter how brief the exclusion and immediately after the "5 days" even if the parent has not come to school.

8. Suspension Procedures and Guidelines (Basic Policy Outlined in Circular 103) must be thoroughly understood and followed in each detail.

9. No student should be told he is suspended by the Superintendent until the hearing office has set a hearing date and time. Faculty participants must arrive in time and well prepared. Memorandum #4 dated May 21, 1974 from Executive Director Polatnick must be followed in detail.

10. Directions in High School Memorandum #1 from Executive Director Polatnick must be followed.

USE OF FORCE

1. The basic principle is that the force used by the teacher, administrator or school representative of any category must not be punitive. Corporal punishment is illegal in New York despite the Supreme Court's greater leniency.

2. Force may be used in self-defense if there is real and present danger to the staff member. For this, reliable witnesses are necessary in the event that the parent of the assaulted student sues the staff member for alleged injury.

3. Inasmuch as the school is responsible for the safety of the children under its care (an aspect of loco parentis), force may be used to protect pupils from injury; e. g., an attacker may be prevented from completing his assault; a fight should be broken up; assaulters should be pursued, overtaken and punished. The adult in this situation must, however, limit his force used to the strength necessary to accomplish his preventive purpose and no more. He must also be ready with reliable witnesses in the event that he is charged with excessive use of force and taken to court.

4. The parents of injured pupils have a right to sue school staffs in the event that law abiding pupils are inadequately protected. School administrators must stand ready to prove that, to the extent possible under the budgetary

allotment, the administration has planned for the safety of its pupils and the staff has been allocated so as to implement the preplanned safety plan. In addition, the evidence must include teacher supervision on safety assignments and teacher active duty on those assignments. In other words, the school must stand ready to prove in court that everything humanly possible was done to maintain safe conditions in the school.

5. Use of force, therefore, may be necessary in order for the school to give evidence that it has accepted responsibility for the safety of its students, and use of force must be limited to what is necessary to maintain that safety. The rule of moderation must take precedence, and it must never be possible for anyone to show that force was used in anger or in loss of temper.

6. The Court stressed that corporal punishment should not be generally used as the "first line" of punishment and not unless the student has been warned that specific form of misbehavior might lead to corporal punishment. In New York City this is a moot question because New York State law specifically forbids corporal punishment in New York City while permitting its use outside New York City. The "use of force" in restraint is permitted in New York City.

Above all, it is well to keep in mind what the Supreme Court has said. "The [schools] are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes", West Virginia State Board of Education v Barnette (1943).

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### WHAT IS THE NATIONAL CONFERENCE OF CHRISTIANS AND JEWS?

It is the organization of men and women who, regardless of racial, religious and cultural differences, are committed to the ideals of Brotherhood of Man under the Fatherhood of God. They are engaged in a comprehensive program of education to eliminate prejudice and discrimination in our social relationships. They are the peacemakers in a world of strife. They wish to live by the perennial moral and religious laws rooted in the aspiration of all ages.